

EXHIBIT C

Seagate Redacted Version of
Plaintiffs' Exhibit 28

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 IN RE SEAGATE TECHNOLOGY LLC
19 LITIGATION

No. 3:16-cv-00523-JCS

20 EXHIBIT 28 TO DECLARATION OF
STEVE W. BERMAN IN SUPPORT OF
21 PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION

22
23 **UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
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 2 Including Professional Corporations
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 IN RE SEAGATE TECHNOLOGY, LLC
 18 LITIGATION

Case No. 3:16-cv-00523 JCS

19 CONSOLIDATED ACTION
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**DEFENDANT SEAGATE TECHNOLOGY
 LLC'S SUPPLEMENTAL RESPONSES
 TO PLAINTIFF CHRISTOPHER
 NELSON'S FIRST SET OF
 INTERROGATORIES**

22 PROPOUNDING PARTY: PLAINTIFF CHRISTOPHER NELSON
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24 RESPONDING PARTY: SEAGATE TECHNOLOGY, LLC
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26 SET NO.: ONE
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1 Defendant Seagate Technology LLC (“Seagate”) hereby supplements its responses
2 to Interrogatories Number 1, 2, and 8 in the First Set of Interrogatories propounded by plaintiff
3 Christopher Nelson (“Plaintiff”).

4 **GENERAL STATEMENT AND OBJECTIONS**

5 **GENERAL OBJECTIONS**

6 1. The following responses are made solely for purposes of this action. Each response
7 is subject to all objections as to competence, relevance, materiality, propriety and admissibility,
8 and any and all other objections and grounds which would require the exclusion of any statements
9 contained herein, if such statements were made by a witness present and testifying at court, all of
10 which objections and grounds are reserved and may be interposed at the time of trial.

11 2. The following responses are based upon information presently available to Seagate.
12 Seagate is not making any incidental or implied admissions regarding the contents of these
13 responses. Seagate’s objections, and any subsequent responses, are at all times subject to such
14 additional or different information as may result from further discovery, investigation, and/or
15 refreshing of recollection. Seagate reserves the right to alter, amend, or supplement any responses
16 it makes to Plaintiff’s First Set of Interrogatories. Seagate reserves the right to make any use of,
17 or to introduce at any hearing and at trial, information responsive to the First Set of
18 Interrogatories, but discovered subsequent to the date of any responses to the First Set of
19 Interrogatories, including, but not limited to, any such information obtained in discovery herein.
20 The fact that Seagate has answered part or all of any Interrogatory is not intended to and shall not
21 be construed to be a waiver by Seagate of all or any part of any objections to any Interrogatory.

22 3. Seagate objects to the Interrogatories to the extent they seek information outside
23 the possession, custody, or control of Seagate and that is not within Seagate’s personal knowledge.
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OBJECTIONS TO DEFINITIONS

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2 1. Seagate objects to the definition of SEAGATE or YOU as overbroad to the extent
3 Plaintiffs purport to ask for privileged information from Seagate attorneys.

RESPONSES TO INTERROGATORIES**INTERROGATORY NO. 1:**

6 State the total annual unit sales, by year and by state, of Hard Drives sold within
7 the United States.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

9 Seagate incorporates the General Objections set forth above to the extent
10 applicable. Seagate objects to this interrogatory because it is premature and seeks information
11 irrelevant to class certification or liability. Seagate further objects to this interrogatory because it
12 seeks sensitive commercial and business information protected by California law. Subject to and
13 without waiving the foregoing objections, Seagate responds as follows:

14 Pursuant to the Parties' meet and confer agreement, Seagate agreed to, and did,
15 provide data responsive to this interrogatory for each of the Drives identified in the Second
16 Consolidated Amended Complaint ("SCAC") by year pursuant to state and federal mediation
17 privileges. *Cf.* Fed. R. Evid. 501 ("[I]n a civil case, state law governs privilege regarding a claim
18 or defense for which state law supplies the rule of decision."); Cal. Evid. Code §§ 1115 *et seq.*; *see*
19 *also* Fed. R. Evid. 408 (protecting conduct and communications made for purposes of offers of
20 compromise or negotiations).

INTERROGATORY NO. 2:

26 State the total annual revenue, by year and by state, from sales of Hard Drives
27 within the United States.

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SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Seagate incorporates the General Objections set forth above to the extent applicable. Seagate objects to this interrogatory because it is premature and seeks information irrelevant to class certification or liability. Seagate further objects to this interrogatory because it seeks sensitive commercial and business information protected by California law. Subject to and without waiving the foregoing objections, Seagate responds as follows:

Pursuant to the Parties' meet and confer agreement, Seagate agreed to, and did, provide data responsive to this interrogatory for each of the Drives identified in the SCAC by year pursuant to the mediation privilege. *Cf.* Fed. R. Evid. 501 ("[I]n a civil case, state law governs privilege regarding a claim or defense for which state law supplies the rule of decision."); Cal. Evid. Code §§ 1115 *et seq.*; *see also* Fed. R. Evid. 408 (protecting conduct and communications made for purposes of offers of compromise or negotiations).

INTERROGATORY NO. 8:

State the total annual revenue, by year and by state, from any recovery services paid to You by consumers for Hard Drives sold in the United States.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Seagate incorporates the General Objections set forth above to the extent applicable. Seagate objects to this interrogatory to the extent that it seeks sensitive commercial and business information protected by California law. Seagate further objects to this interrogatory on grounds that it seeks information related to consequential damages, which are not recoverable, and thus not relevant to Plaintiff's claims or defenses. As such, the interrogatory falls outside the permissible scope of discovery. Seagate further objects to this interrogatory to the extent it seeks confidential consumer information protected by the California Constitution. Subject to and without waiving the foregoing objections, Seagate responds as follows:

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1 Pursuant to the Parties' meet and confer agreement, Seagate agreed to, and did,
2 provide data responsive to this interrogatory for each of the Drives identified in the SCAC by year
3 pursuant to state and federal mediation privileges. *Cf.* Fed. R. Evid. 501 ("[I]n a civil case, state
4 law governs privilege regarding a claim or defense for which state law supplies the rule of
5 decision."); Cal. Evid. Code §§ 1115 *et seq.*; *see also* Fed. R. Evid. 408 (protecting conduct and
6 communications made for purposes of offers of compromise or negotiations).

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Dated: August 18, 2017

12 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

13
14 By

/s/ Anna S. McLean

NEIL A.F. POPOVIC

ANNA S. McLEAN

MUKUND H. SHARMA

TENAYA RODEWALD

LIÊN H. PAYNE

JOY O. SIU

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19 Attorneys for Defendant
20 SEAGATE TECHNOLOGY, LLC
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Table 1: U.S. Net Unit Sales of Drives Containing Drive Model Number ST3000DM001

Year	Business 1 Bay NAS	Business 2 Bay NAS	Business 4 Bay NAS	D3 Station	Desktop Ext. Drive	Barracuda – Desktop Internal HDD Kit.	FreeAgent GoFlex Desk	FreeAgent GoFlex Home	GoFlex Desk For Mac	Backup Plus Desk	Backup Plus Mac	Seagate Expansion Desk	Seagate Expansion Desk Plus
2011	■	■	■	■	■■■■	■■■■	■■■■	■■■■	■■■■	■	■	■	■
2012	■	■	■	■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■
2013	■■■	■■■	■■■	■■■■	■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■
2014	■■■■	■■■	■■■	■■■■	■	■■■■	■■■	■■■	■	■■■■	■■■■	■■■■	■■■■
2015	■■■	■■■	■■■	■■■■	■	■■■■	■	■	■	■■■■	■■■■	■■■■	■■■■
2016	■	■	■	■■■■	■	■■■■	■	■	■	■■■■	■■■■	■■■■	■■■■
2017*	■	■	■	■	■	■■■■	■	■	■	■■■■	■	■■■■	■■■
Total	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■	■■■■

* Data for 2017 is through May 2017.

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Table 2: U.S. Net Revenues of Drives Containing Drive Model Number ST3000DM001

Year	Business 1 Bay NAS	Business 2 Bay NAS	Business 4 Bay NAS	D3 Station	Desktop Ext. Drive	Barracuda – Desktop Internal HDD Kit.	FreeAgent GoFlex Desk	FreeAgent GoFlex Home	GoFlex Desk For Mac	Backup Plus Desk	Backup Plus Mac	Seagate Expansion Desk	Seagate Expansion Desk Plus
2011	████	████	████	████	██████	██████	██████ █	██████	██████ █	████	████	████	████
2012	████	████	████	████	██████	██████	██████ █	██████	██████ █	██████	██████	██████	████
2013	██████	██████	██████	██████	████	██████	██████	██████	██████ █	██████	██████	██████ █	██████
2014	██████	██████	██████	██████	████	██████	██████	██████	██████	██████	██████	██████	██████
2015	██████	██████	██████	██████	████	██████	██████	██████	████	██████	██████	██████ █	██████
2016	████	████	██████	██████	████	██████	██████	████	████	██████	██████	██████	██████
2017*	████	████	████	████	████	██████	██████	████	████	██████	██████	██████	██████
Total	██████	██████	██████	██████	██████	██████ █	██████ █	██████	██████ █	██████	██████	██████ █	██████

* Data for 2017 is through May 2017.

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VERIFICATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

I have read the foregoing DEFENDANT SEAGATE TECHNOLOGY, LLC'S
SUPPLEMENTAL RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES and
know its contents.

I am the Director of Supply Chain of Seagate Technology, LLC, a party
to this action, and am authorized to make this verification for and on its behalf, and I make this
verification for that reason. I am informed and believe and on that ground allege that the matters
stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on August 10, 2017, at Cupertino, California.

Scott Robbeleth
Print Name of Signatory


Signature

PROOF OF SERVICE
In re Seagate Technology LLC Litigation
USDC Case No. 5:16-cv-00523-JCS

I am over eighteen years old, not a party to the within action, and made the following service from my place of employment—Sheppard, Mullin, Richter & Hampton, 379 Lytton Ave., Palo Alto, CA 94301. On August 18, 2017, I served the following document:

DEFENDANT SEAGATE TECHNOLOGY, LLC'S SUPPLEMENTAL
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

in pdf format from my email address (msharma@sheppardmullin.com) to the persons at the email addresses listed below:

- **Steve W. Berman**
steve@hbsslaw.com; heatherw@hbsslaw.com; nicolleg@hbsslaw.com;
josephs@hbsslaw.com;
- **Jeff D Friedman**
jefff@hbsslaw.com; jeanethd@hbsslaw.com; sf_filings@hbsslaw.com;
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 18, 2017, at Palo Alto, California.

/s/ Mukund H. Sharma
Mukund H. Sharma